[Shrimati Tharadevi Siddhartha]

V (a) Annual Report and Accounts of the National Academy of Medical Sciences (India), New Delhi, for the year 1989-90, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Academy.

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

91 for (a) to (c)]

[Placed in Library. *See* No. LT. 412/

VI (a) Annual Report and Accounts of the Lala Ram Sarup Tuberculosis Hospital, New Delhi, for the year 1987, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Hospital.

(c) Statement gividg reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. *See* No. LT 412/91 for (a) to (c)]

Export of Frozen Fish and Fishery Products (Quality Control and Inspection) (Second Amendment) Rules, 1990

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI SALMAN KHURSHEED): Madam. I lay on the Table under sub-stction (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963, a copy (in English and Hindi) of the Ministry of Commerce Notification S.O. No. 3331, dated the 15th December, 1990, publishing the Export of Frozen Fish and Fishery Products (Quality Control and Inspection) (Second Amendment) Rules, 1990 [Placed in Library. *See* No. LT 515/91]

LEAVE OF ABSENCE

THE DEPUTY CHAIRMAN: I have to inform Members that the Chairman has received a letter from Shri Shanti Tyagi stating that he has been admitted in Dr. Ram Manohar Lohia Hospital for treatment and that he regrets his inability to attend the currtnt Session of Rajya Sabha and he has requested for grant of leave of absence from all the sittings of the current Session.

Is it the pleasure of the House that permission be granted to Shri Shanti Tyagi for remaining absent from all meetings of the House during the current Session?

(No Hon. Member dissented)

THE DEPUTY CHAIRMAN: Permission to remain absent is granted.

THE CODE OF CRIMINAL PROCEDURE (SECOND-AMEDMENT) BILL, 1991

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

The question was proposed.

SHRI DIPEN GHOSH (West Bengal): Madam, this particular Bill which the honourable Home Minister is seeking to introduce was disapproved by this House only during the first leg of the Budget Session. I would like to know from the honourable Home Minister to what extent this Bill is different from the Bill which he had moved last time, which was dismissed and disapproved.

SHRI S. B. CHAVAN: This is a Bill which is being introduced in the 160th Session after the prorogation of the House after the last Session and, therefore. I think that there should be no objection for introducing this Bill. In fact, there is a slight change in this Bill. This Bill covers a number of other items also

Therefore, it is not exactly the same Bill which the Disapproval Motion had actually disapproved. This is a new Bill which is being introduced and there should be no objection to it.

THE DEPUTY CHAIRMAN: Actually the Bill was not rejected. The Resolution was adopted. The Bill was not rejected.

SHRI MENTAY PADMANABHAM (Andhra Pradesh): It amounts to the same.

SHRI DIPEN GHOSH: The point is that a Bill was moved to replace the Ordinance. But the Ordinance itself was disapproved by a Resolution. It is true that this Bill is being moved in the second leg of the Budget Session and according to the rules of Rajya Sabha strictly it is a new Bill in this Session.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): On a point of order.

SHRI DIPEN GHOSH Apparently, there is no difficulty on the part of the Government to move the same Bill. The Minister was trying to oblige the House by saying that there is a little change and he did not disclose as to what that change is. I wanted to know from him as to what the change is... (*Interruptions*)...

THE DEPUTY CHAIRMAN: You can find out from the Bill... (*Interruptions*)... You can read it. The Bill has already been given to you... (*Interruptions*)... It has been circulated.

SHRI DIPEN GHOSH: I would like to point out that the House has a right to oppose the Bill at the introduction stage and I want to know from the Minister as to what makes the Government initiate the change in the Bill. What is the reason? Let him explain... (*Interruptions*)...

SHRI S. B. CHAVAN: I can understand the anxiety of the hon. Member and I appreciate it. He wants to bring on record the effect of the disapproval motion. Madam, the only difference is that there is bound to be some period in between, when the previous Ordinance expired and thereafter the Bill is being introduced. You will find that the last clause of the Bill covers the entire period, so long as the President's Rule is there in the State... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Yes, Mr. Bhandare, you wanted to say something... (*Interruptions*)...

SHRI DIPEN GHOSH: So, you want to introduce it with a retrospective effect?... (*Interruptions*)...

THE DEPUTY CHAIRMAN: I have identified Mr. Bhandare. I am not allowing you to speak... (*Interruptions*)...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam... (*Interruptions*) The change is necessiated by the passage of time and nothing more... (*Interruptions*)...

श्री शंकर दयाल सिंह (बिहार) : महोदया, मैं यह कहना चाहता हूं कि पिछली बार इनका बिल या इनका प्रस्ताव दण्ड प्रक्रिया संहिता विधेयक, 1991 गिर गया था । इन्होंने जो बिल आज इंट्रोड्यूस किया है उसके उद्देश्य और कारणों के कथन में मंत्री महोदय की ओर से यह उल्लेख होना चाहिए था कि सदन में वह गिर गया था और सदन ने उसको निरस्त किया था । बिना वह कारण बताये उद्देश्यों की पूर्ति नहीं हो सकती है । महोदया, आप स्वयं कानून की धाराओं को अच्छी तरह से जानती हैं । सदन में यह बिल पुनः लाना पड़ रहा है । सदन के सदस्यों को मालूम है, सदन के नेता को मालूम है और यह मंत्री के रूप में भी मालूम है । इसलिए सदन के सामने पुनः क्यों लाना पड़ा, निश्चित रूप से इसका उल्लेख उद्देश्यों में होना चाहिए था । इसलिए मैं आपके माध्यम से मंत्री महोदय से कहूंगा कि उद्देश्यों में उसको कम से कम जोड़ें और जोड़ना चाहिए ।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : महोदया मैं इस बिल के इन्ट्रोडक्शन का विरोध कायदे कानून के केवल आब्जेक्टिव के आधार पर नहीं कर रहा हूं । जब पिछली बार विधेयक लाया गया और वह

[श्री जगदीश प्रसाद माथुर]

नकार दिया गया तो यह बात साबित हो गई कि यह सदन उस बिल की भावनाओं से सहमत नहीं था । ऐसी स्थिति में एक तरह से इस सदन की सामूहिक भावनाओं के विरुद्ध यह बिल लाया गया है । मैं माननीय मंत्री जी से पूछना चाहता हूं कि ऐसी कौन सी बड़ी बात है जिसके कारण सारे सदन की भावनाओं की अवहेलना करके दुबारा यह लाया जा रहा है ?

उपसभापति : अभी तो यह खाली इंट्रोड्यूस हो रहा है । जब इस पर डिसकशन होगा तो आप अपनी भावनाओं को इजहार कर सकते हैं । इंट्रोडक्शन में यह जरूरी तो नहीं है कि सरकार हर बिल आपकी भावनाओं को देखकर लाये ।

श्री जगदीश प्रसाद माथुर : यह बिल सदन की भावनाओं के विरुद्ध है, इसलिए इंट्रोड्यूस नहीं होना चाहिए, सदन में नहीं लाना चाहिए.. (**व्यवधान**)!

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : महोदया अब सबसे पहले मुझे बोलना चाहिए ... (**व्यवधान**)

THE DEPUTY CHAIRMAN: The question is:

> "That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973."

The motion was adopted.

SHRI S. B. CHAVAN: Madam, I introduce the Bill.

RE. ATROCITIES AGAINST WOMEN

श्री शंकर दयाल सिंह (बिहार) : महोदया, मैं बाढ़ की तरफ भारत सरकार का ध्यान दिलाना चाहता हूं । ... (**व्यवधान**) .. महोदया, देश के विभिन्न भागों में बाढ़ की जो स्थिति है उसको देखते हुए ... (**व्यवधान**) यह चाहता था कि सरकार की तरफ से इस पर विचार करने के लिये समय मुकर्रर किया जाता, नहीं तो कालिंग अटेंशन ही मंजूर किया जाय । मैडम .. (**व्यवधान**) .. देश में इतनी भयंकर बाढ़ की स्थिति है ... (**व्यवधान**) ...

THE DEPUTY CHAIRMAN: Now, Special Mentions... (*Interruptions*)...

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, on the Mulalam Singh matter, will the Home Minister say something?... (*Interruptions*)...

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Madam, I have sought the permission... (*Interruptions*)...

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I want to raise... (*Interruptions*)...

THE DEPUTY CHAIRMAN: All of you, please sit down... (*Interruptions*)...

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : इसलिये कि आप कहेंगी कि रिकार्ड में नहीं जायेगा क्योंकि आपने आइडेंटीफाई नहीं किया इसलिये, मैडम, मैं नहीं बोल रहा हूं ... (**व्यवधान**) ...

SHRI SUBRAMANIAN SWAMY: Madam, the Home Minister is here. Let him say something on the Mulayam Singh matter... (*Interruptions*)...

SHRI V. NARAYANASAMY (Pondicherry): Madam, there is great insecurity for our fishermen when they go for fishing near Kachchativu. ... (*Interruptions*)... Madam, under the agreement with the Sri Lankan Government, our fishermen should be allowed to dry their nets there. But the Sri Lankan Government is not allowing it now. (*Interruptions*)...

THE DEPUTY CHAIRMAN: There is a Special Mention today given by some Member... (*Interruptions*)... Just a minute, please... (*Interruptions*)... There is a Special Mention on this issue of fishermen. I will permit you, Mr. Narayanasamy, to associate yourself. Now, please sit down... (*Interruptions*)...